

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael A. Terry,

Plaintiff,

Civil No. 05-2255 (RHK/RLE)

vs.

ORDER

Dakota County, Hastings, Minn., Debra
Schmidt, Warren Kotchis, Honorable
Mary Pawlenty, Sam's Club, Wal-Mart,

Defendants.

After a de novo review of Chief Magistrate Judge Raymond L. Erickson's September 30, 2005, Report and Recommendation and Plaintiff's Objections thereto, the Court is satisfied that the recommended summary dismissal of this action is fully supported by the record before Judge Erickson and controlling legal precedent.

Accordingly, and upon all of the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objection (Doc. No. 4) is **OVERRULED**;
2. The Report and Recommendation (Doc. No. 3) is **ADOPTED**;
3. Plaintiff's Application to Proceed In Forma Pauperis (Doc. No. 2) is **DENIED**;

and

4. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C.
§ 1915(e)(2)(B)(ii).

Dated: October 24, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge